

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DARNELL DESHAWN DAVIS,

Petitioner,

Case Number: 05-74048

v.

HONORABLE PATRICK J. DUGGAN

GERALD HOFBAUER,

Respondent.

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, City of Detroit, County of
Wayne, State of Michigan, on December 9, 2005.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

Petitioner Darnell DeShawn Davis filed a *pro se* petition for a writ of habeas corpus. Petitioner, who is currently incarcerated at the Marquette Branch Prison in Marquette, Michigan, failed to pay the \$5.00 filing fee or an application for leave to proceed *in forma pauperis*. See 28 U.S.C. § 1914(a); 28 U.S.C. § 1915; Rule 3 of the Rules Governing Section 2254 Cases. The Court, therefore, issued an Order to Correct Deficiency on November 2, 2005.

The Deficiency Order required Petitioner to submit: (i) the \$5.00 filing fee; or (ii) an application to proceed *in forma pauperis*. The Deficiency Order provided that, if Petitioner did not correct the deficiency within **twenty-one days** from the date of the

Order, the petition would be subject to summary dismissal. The time for correcting the deficiency has elapsed and Petitioner has failed to do so.

Accordingly, **IT IS ORDERED** that the petition for a writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Dated: December 8, 2005

Copy to:
Darnell Davis, #245064
Marquette Branch State Prison
1960 U.S. 41 South
Marquette, MI 49855